

Tamara GRIGSBY

Wisconsin State Representative
18th Assembly District

Testimony Before the Assembly Committee on Corrections and the Courts August 27, 2009 Assembly Bill 353

I want to thank Chairman Parisi for scheduling Assembly Bill 353 for a public hearing today. As the Assembly author of this bill I greatly appreciate the willingness of the Committee to listen to the personal stories you will be hearing from the many individuals who traveled from around the state to tell you what this bill will mean to them.

The Wisconsin Democracy Restoration Act is designed to enfranchise over 42,000 taxpaying Wisconsin citizens who have been deemed safe to return to society by our system of reintegration and who live throughout the state of Wisconsin.

Like many of us, probationers and parolees live in their community, work, pay taxes, go to school and raise their families as they reintegrate into society, and yet, they may not be able to vote for 6 months, or longer under Wisconsin's current laws. This bill will restore the voting rights of this population and allow them to participate more fully in their communities.

Restricting voting rights does not prevent crime, nor does it provide compensation to victims. In fact recent research finds a link between allowing ex-offenders to fully participate in society by voting and re-offense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote. The act of voting demonstrates an individual's commitment to the institutions of American democracy and society and should be encouraged.

Since 1997, 18 states have made progressive changes to their ex-offender disfranchisement laws, including our neighboring states of Illinois, Indiana, Iowa, Michigan, and Ohio. These states have found that the simple act of voting makes ex-offenders feel more connected to their communities and is an important step toward their rehabilitation.

More than 70 Wisconsin organizations have joined the Restore the Vote WINOW coalition in support of the restoration of voting rights for individuals upon release of incarceration including: Milwaukee County Labor Council/AFL-CIO, the League of Women Voters of Wisconsin, the American Civil Liberties Union of Wisconsin, Lakeside Peacemakers of Manitowoc, the NAACP of Wisconsin, Madison Area Urban Ministries, Community Connections, League of Martin, Disability Rights Wisconsin, Project Return, Wisconsin Network for Peace and Justice, and many other faith, labor and community organizations representing tens of thousands of voting Wisconsin citizens statewide.

I thank the committee for your time and consideration of this matter. I am happy to answer any questions Committee members may have.

Assembly Committee on Corrections and the Courts

2009 Assembly Bill 353

Testimony of Kevin J. Kennedy
Director and General Counsel
Government Accountability Board
August 27, 2009

Chairperson Parisi and Committee Members:

Thank you for the opportunity to appear before this committee and testify regarding Assembly Bill 353. This testimony is for information purposes only. The Government Accountability Board has not taken a position in support of or in opposition to the legislation. However, I would like to communicate some administrative issues identified by the agency staff that the agency believes should be addressed with changes in the legislation as well as my personal view on the legislation.

This Bill restores the right to vote to certain persons barred from voting as a result of a felony conviction, and changes the information required on voter registration forms. The ban on felon voting is currently codified in Section 6.03(1)(b) Wis. Stats., which provides that "(a)ny person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078" shall not be allowed to vote. Voting rights are restored under Sections 304.078(2) and 304.078(3). To ensure that convicted felons do not vote, Section 301.03(20m) requires that the Department of Corrections transmit to the Government Accountability Board a list of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored. As required by Sections 6.29(2)(am) and 6.55(2)(cs), the G.A.B. then distributes the lists of ineligible persons to each of the 72 counties, which in turn distribute them to the state's 1,850 municipalities, which supplies the lists to each of the 2,834 polling places in the state.

Assembly Bill 353 would not create any significant fiscal impact on the G.A.B. because of the continued requirement to provide lists of ineligible voters to local election officials. Printing and distribution of the ineligible voter list costs approximately \$13,000 per election. Felon list coordination costs the Division of Enterprise Technology in the Department of Administration (DET) approximately \$1,560 per election. The agency believes the legislation could be enhanced if this requirement is eliminated.

By eliminating the requirement that poll workers and municipal clerks match in-person registrations with the felon lists, these over-extended election officials will be able to devote more time to serving voters in the municipal clerk's office and at the polling place on Election Day. The G.A.B. is able to continue marking incarcerated felons as ineligible to vote based on the electronic records it receives from DOC. This ensures those individuals will not appear on the poll lists. This proposed change presents a genuine cost saving for the G.A.B. and DET. I encourage the Committee to amend the legislation to accomplish this modest savings.

The proposed legislation requires the G.A.B. to provide training on the changes to voting rights at least 60 days before the first election that follows the effective date of the legislation. In addition, the G.A.B. 131 Voter Registration Form would need to be revised. A one-time cost of \$1,100 for approximately 40 hours of work would be incurred for G.A.B. staff to revise the G.A.B. 131 form, develop training materials, update manuals and post the materials to the G.A.B. web site. Additionally, a one-time cost of \$400 would be incurred for four Wisline training sessions for Municipal Clerks and Chief Inspectors, at approximately \$100 each. Other future costs would be included in the current Municipal Clerk, Election Inspector and Special Registration Deputy training provided by the G.A.B. It would be difficult to calculate what the specific costs would be. Municipal and County clerks would be required to provide sufficient forms to meet voter registration needs. The City of Milwaukee estimates a cost of \$2,000 to print updated G.A.B. 131 forms. Other county and municipal clerks projected lower costs to provide updated forms.

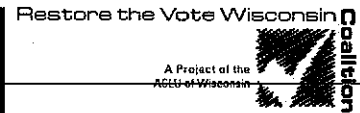
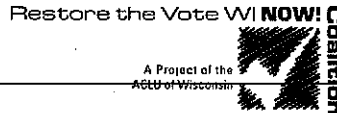
While the Government Accountability Board has not taken a position on felon re-enfranchisement, I personally have been an advocate for many years. As Wisconsin's chief election official, I believe citizens should be given the opportunity to shape the governmental policies that affect their lives by enabling them to participate in the electoral process. I can think of nothing more ennobling in the rehabilitation process than to send a message to those who are working to reintegrate into society that government invites their participation in the voting process. Twenty states and the District of Columbia are less restrictive than the state of Wisconsin, and national trends generally favor streamlining restoration and expanding voting rights for people convicted of crimes. Nineteen states have taken steps to restore felons' voting rights in some way since 1997.

I encourage you to move forward with this legislation along with the suggested change to eliminate providing paper felon lists to local election officials. This will improve efficient administration of the voter registration and election process at all levels of government, save valuable public resources and commit the state of Wisconsin to successfully integrating convicted felons into society as participating citizens rather than treating them as social outcasts who continue to be marginalized by their prior actions.

I appreciate your consideration of these issues with regard to this bill and will answer any questions you may have at this time.

Thank you.

Kevin J. Kennedy
Director and General Counsel
Government Accountability Board
(608) 266-8005
Kevin.Kennedy@wi.gov



Restore the Vote Wisconsin NOW! Coalition (501c4) list

ACLU of Wisconsin
 ACLU Racial Justice Project
 9 to 5 National Association of Working Women
 AFL-CIO/Milwaukee County Labor Council
 American Associate of Probation and Parole Officers
 Campaign Against Violence/League of Young Voters
 Citizen Action of Wisconsin
 Community Connections
 Equality Wisconsin
 Fair Elections Wisconsin
 Faith Community Workers for Justice (a project of the WI AFL-CIO)
 Good Jobs and Livable Neighborhoods Coalition
 Grassroots Northshore
 League of Women Voters of Wisconsin
 Liberty Tree Foundation
 Madison area Urban Ministry
 NAACP – Milwaukee Branch
 NAACP – Racine Branch
 NAACP – Wisconsin State Office
 National Lawyers Guild-Milwaukee Chapter
 National Association of Social Workers, Wisconsin Chapter
 One Wisconsin Now
 Peace Action-Wisconsin
 Project Return
 SEIU-AFRAM
 SEIU-Local 150
 Wisconsin Democracy Campaign
 Wisconsin Coalition Against Domestic Violence
 Wisconsin Network for Peace and Justice

Restore the Vote Wisconsin Coalition (501c3) list

ACLU of Wisconsin Foundation
 ACLU Foundation Racial Justice Project
 9 to 5 National Association of Working Women
 AFL-CIO/Milwaukee County Labor Council
 American Association of Probation and Parole Officers
 Campaign Against Violence/League of Young Voters Education Fund
 Citizen Action of Wisconsin – Faith-based Caucus
 Citizen Action of Wisconsin
 Community Connections Wisconsin
 Disability Rights Wisconsin
 Equality Wisconsin Education Fund
 Faith Community Workers for Justice (a project of the WI AFL-CIO)
 Grassroots Northshore
 Institute for One Wisconsin
 Justice 2000
 Lakeside Peacemakers (Manitowoc)
 League of Martin (Milwaukee Black Police Association)
 League of Women Voters of Wisconsin
 Liberty Tree Foundation
 Madison-area Urban Ministry
 NAACP – Milwaukee Branch
 NAACP – Racine Branch
 NAACP – Wisconsin State Office
 National Black Police Association
 National Lawyers Guild-Milwaukee Chapter
 National Association of Social Workers, Wisconsin Chapter
 Peace Education Project of Peace Action-Wisconsin
 Project Return
 Racine Dominican Justice and Rights Commission
 SEIU-Local 150
 The Sentencing Project
 Urban Underground
 Vessels of God
 Veterans for Peace-local 102 (Cudahy)
 Voces de la Frontera
 Voices Beyond Bars a project of Madison area Urban Ministries
 Wisconsin Books To Prisoners
 Wisconsin Coalition Against Domestic Violence
 WI-CURE (WI-Citizens United to Rehabilitate Errants)
 Wisconsin Network for Peace and Justice
 Wisconsin Women's Network-Women in Prison Task Force
 WISDOM

For more information or to add you organization to this list contact Renee Crawford, ACLU of Wisconsin at rcrawford@restorethevotewi.org or 414-331-8907.

THE PRISON MINISTRY PROJECT

REV. JERRY L. HANCOCK, J.D., M.Div.
DIRECTOR

Testimony in Support of AB 353

I am the Rev. Jerry Hancock, Director of the Prison Ministry Project of the United Church of Christ. I appreciate the opportunity to testify in support of AB 353.

I believe that this bill is critical in restoring the ideal of fundamental fairness that has always been important to the citizens of Wisconsin. I also believe this legislation will promote individual responsibility and restore justice to our communities.

In addition to my current position, I am a former Deputy District Attorney for Dane County and the former Administrator of the Division of Law Enforcement Services in the Wisconsin Department of Justice. As a result of my experiences in the criminal justice system, I have no illusions about crime and criminals.

I also know that protecting our communities requires a wider perspective than the criminal justice system can provide. Restorative Justice programs around the state bring together victims, offenders and the community to try to heal the harm caused by crime.

To allow the men and women who the courts and the Department of Corrections have allowed to return to their homes and families to fully participate in the life of their communities will improve their chances for successful reintegration, strengthen those communities and provide opportunities for greater justice.

As people of faith who believe in the possibility of change, we cannot miss this opportunity.

August 26, 2009

Correction and Courts
(State of Wisconsin's legislation ~~Court and Correction~~ Committee) August 27, 2009

Testimony - Restore the Right to Vote:

My name is Jacqueline Ivy, (aka) as Jackie Ivy, I'm a former acorn community organizer and currently active member of Prison Action Milwaukee (PAM). Also I reside at 9305 West North Ave, Wauwatosa WI.

Correction and Courts
I would like to first thank the Court and Correction chair person State Representative Joe Parsis and its members for allowing this historical public hearing to take place on today.

To the point , it was during the president elect Barack Obama's voter registration drive summer 2008 I became frustrated, confused, and concern that a large majority of individuals (males, females, Latinos, Black and white) responded by saying they couldn't register to vote because they were a felon.

After doing extensive homework to find other states for example; Detroit MI allows individuals with felony convictions their right to register and vote.

Along with finding, here in Wisconsin year 2007 assembly bill 390, was stalled due to bad weather. So I took back to the street with my petition I created with over 300 signatures of Milwaukee Citizens who supports assembly Bill 390. Still wandering where to turn I was directed to meet with members of ACLU, is where I meet ACLU associate director Renee Crawford. Is why I stand here today....

Again, I stand before you representing over 300 signatures of individuals residing in the city of Milwaukee who supports the right to vote restored to felons along with those many individuals who walked away from me without registering to vote because the state of Wisconsin continues to dishonor and violate disenfranchised populations voting right signed into law August 6th, 1965.

I look forward to Wisconsin state legislation standing for justice as we all move forward into the 21st century insuring the future of, my grandchildren and ~~other~~ *All* children

Will not have to experience what so many had died and fought to change!!!!!!!!!!!!!!

*Thank you
ACLU*



Thursday, August 27, 2009

INSTITUTE FOR ONE WISCONSIN TESTIMONY
ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

Committee Members:

My name is Scot Ross and I am the executive director of the Institute for One Wisconsin. I want to thank you for the opportunity to speak in support of legislation which will restore voting rights to ex-offenders who are still on parole or probation for felony offenses.

At the Institute for One Wisconsin, a progressive non-partisan, non-profit, we are committed to ensuring Wisconsinites have unfettered access to that most sacred right – the right to vote. We host a website www.ProtectWisconsinsVote.org and this fall we will host the second annual Protect Wisconsin's Vote Education Summit.

We are taught from childhood it is our civil duty, our responsibility, to participate in this grand experiment of self-governance – most importantly, by casting our ballot in the voting booth. Stated simply, I cannot understand why we would discourage an ex-offender from fully-reintegrating into society. The more an ex-offender is invested in his or her community, the more likely he or she will not re-offend. The more isolated and ostracized an ex-offender is, the more likely he or she will re-offend. Does anyone disagree that the more invested an ex-offender becomes in his or her community, the less likely he or she is to re-offend?

So, what's the point?

Our "tough on crime" laws have created much longer out-of-prison supervisions. For years, perhaps decades, a Wisconsinite may live in the community after release from prison, have a job, pay the bills, meet family obligations, but be denied the right to vote. Some for life.

Get out of prison.

Get a job

Pay your bills.

Pay your taxes.

Be a good citizen.

But don't vote – or we'll put you back in prison.

So, what's the point?

This makes no sense – unless there is a political motivation behind denying the right to vote to members of the population. Wisconsin has an estimated **38,000 citizens** who are currently living in our communities who remain disenfranchised.

So, committee members ask yourself this question about denying ex-offenders the right to vote when they are released from prison: What's the point?

I think we can all agree, the threat of losing one's franchise is absolutely no deterrence prior to someone committing a felony. The disenfranchisement that continues once a felon still on parole or probation is
(over)

~~unwarranted and it's to our detriment as a people. Our society is not weakened, it is strengthened by increased~~
voter participation – and in this instance, the punishment won't stop the crime. What possible societal good comes from denying ex-offenders who we are reintegrating into society the right to vote?

So, what's the point?

Regrettably, this is one of the lingering remains of the racism of this country's immediate past.

Our state's focus on punishment instead of prevention has filled Wisconsin's prisons. From 1990 to 2000, corrections spending in Wisconsin increased 550 percent – more than double the second-ranking state.

And our prisons are disproportionately filled with young, African American men. Wisconsin's African American population is six percent. African Americans make up 50 percent of our prison population.

So, what's the point?

Felony disenfranchisement is simply another form of discrimination and racism. In spite of a number of collective triumphs to right the wrongs inflicted by whites against non-whites, when it comes to voting rights, as a state, we are forgetting, and worse ignoring, the struggle African Americans have had beyond all others in attempting to exercise the sacred right to vote in the United States.

Literacy tests.

Poll taxes.

Grandfather clauses.

Whites-only primaries.

What's the point?

All of these noxious prohibitions were created specifically to dehumanize and negate the citizenship of African Americans. These laws were in response to changing American law which no longer allowed African Americans to be characterized as property, as 3/5ths of a human being. How can we see this disenfranchisement as nothing less than a modern negation of citizenship?

If we truly believe in our bill of rights and the Eighth Amendment's prohibition against "excessive' sanctions," then continuing to take away this most basic tenet of liberty from a population so disproportionately incarcerated can only be seen for the ugly truth.

You might find it as ironic as I do that the extremely rare instances of ex-felons who have not been reinfranchised improperly voting is among the biggest weapons used by some to claim the need for restrictive voter ID laws and an end to same day voter registration. Laws that would restrict the right to vote, that target urban areas of the state where a majority of the state's African-American population live.

Is this the point?

I thank the committee for its time and its willingness to consider ending this un-American, un-democratic law.

disabilityrights | WISCONSIN

To: Rep. Joe Parisi, Chair; and Members of the Assembly Committee on Corrections and the Courts
From: Todd Winstrom, Staff Attorney, Disability Rights Wisconsin
Date: August 27, 2009

Subject: Assembly Bill 353: Restoring the right to vote of ex-offenders

Disability Rights Wisconsin (DRW) is in strong support of Assembly Bill 353, which simplifies the law regarding restoration of the vote to ex-offenders, thereby increasing the number of qualified individuals with disabilities who vote in our state. DRW is the designated protection and advocacy agency for the state of Wisconsin. We provide a wide range of advocacy services to people with all types of disabilities and ages throughout Wisconsin. DRW's non-partisan voting rights project, funded through the Help America Vote Act to ensure equal access to the polls for eligible voters with disabilities, has provided training to hundreds of voters with disabilities, poll workers and clerks on the issue of voting rights for voters with disabilities and equal access to the polls. Through this work we have learned that, because of the various barriers that they face, voters with disabilities vote at a rate of about 10 to 15 percent below that of the general voting population.

DRW also provides extensive protection and advocacy services to individuals with disabilities who are incarcerated or who are under correctional supervision. Individuals with disabilities comprise a substantial portion of Wisconsin's prison population. For example, more than 6600 inmates, 31% of Wisconsin's total prison population, have a significant mental health condition. People with the most serious and persistent mental illnesses make up 10% of the prison population, while they comprise only 4% of Wisconsin's total population. There is no available data about the number of inmates with developmental disabilities, (mental retardation, traumatic brain injury, autism spectrum disorders and fetal alcohol spectrum disorders) although research suggests there could be as many as 2000 inmates with such conditions. Due to the lack of data, it is not possible to estimate the number of inmates with other disabilities, although the number is certainly in the thousands.

There are also tens of thousands of disenfranchised people with disabilities who are living in the community under Probation, Parole and Extended Supervision. The Dept. of Corrections maintains no data about the prevalence of disabilities amongst people under community supervision; but applying the prison prevalence rates would suggest that population included approximately 12,000 individuals with significant mental health conditions. The number of individuals with other disabilities is probably just as large.

People with disabilities returning to the community from prison, or living under community supervision, face innumerable obstacles to establishing successful lives. Many of these people need access to benefits such as SSI and Medical Assistance in order to obtain necessary medications, medical and mental health treatment, other disability related services and supports, and to provide for basic necessities such as food, clothing and shelter. However, the process of applying for these benefits is complex and time consuming – even for Dept. of Corrections Social Workers – and is impossibly overwhelming for many people with disabilities, leaving them unable to meet even their most basic needs.

These problems are merely an addition to the range of barriers that people with disabilities consistently face, even when not involved in the criminal justice system – lack of services, architectural barriers, unmet need for accommodation, and the persisting stigmatization of people with disabilities – all of which often leave people with disabilities excluded and disconnected from the community, living on the margins. This marginalization is compounded by the exclusion from participation in the public life of our democracy that result from disenfranchisement. It is critical for people with disabilities, particularly for ex-offenders with disabilities, to connect and engage positively with the community, living full and productive lives, thereby reducing the risk of recidivism.

MADISON OFFICE
131 W. Wilson St.
Suite 700
Madison, WI 53703

DRW strongly urges you to vote in favor of AB 353

608 267-0214
888 758-6049 TTY
608 267-0368 FAX
800 928-8778 consumers & family
disabilityrightswi.org

Protection and advocacy for people with disabilities.

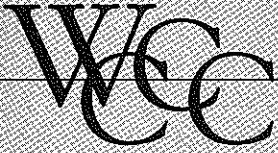
Public Hearing AB 353/SB 40
Wisconsin State Capitol
225 NW 10 a.m.
August 27, 2009

Representing the members of the Task Force on Money, Education and Prisons I am here in support of AB 353 to restore the voting rights of all unincarcerated Wisconsin citizens. It seems particularly appropriate on a day that we are reflecting on the legacy of Senator Ted Kennedy in his struggle for voting rights.

The struggle for voting rights has been a long one. With increasingly larger numbers of our Wisconsin citizens disenfranchised as a result of the drive to be "tough on crime" we are more deeply aware of the implications of an unreflected acceptance of a belief, contested since the founding of our country, that the commission of a felony leads to a "civil death." The restoration of "civil rights" becomes dependent, in historic terms, on the "the grace of the Sovereign." Today this is the intent of this legislation.

It reflects one of many efforts through the history of our country, to give civil and voting rights to an every expanding number of our citizens—disenfranchised by poverty, by race and by gender, and by our criminal justice system.

Esther Heffernan
Chair, Task Force on Money, Education, and Prisons
2011 Jefferson St.
Madison, WI 53711



Wisconsin
Council
on
Community
Corrections
Inc.

Wisconsin Council on Community Corrections
PO Box 7370
Madison, WI 53707-7370

Re: Assembly Bill 353

The Wisconsin Council on Community Corrections (WCCC) states for the record our support for AB 353, the restoration of voting rights for persons on felony community supervision in Wisconsin.

We join with other professional organizations such as the American Correctional Association, the American Probation and Parole Association and the International Community Corrections Association (of which, I am Immediate Past President) in supporting the important concept of restoration of voting rights.

To those of us engaged in community based corrections it is vitally important that as we encourage pro-social behaviors those persons on probation, parole or other forms of community supervision be fully engaged in the fabric of the community.

Indeed, for us, the notion of exclusion from the democratic process reinforces the sense of "otherness" often displayed towards to and exhibited by those in our charge. We tend to forget that these persons pay sales taxes, income taxes and property taxes all without the right to participation in a "say so" as to how their money is spent. The concept of no taxation without representation has been a critical factor in the expansion of the voting franchise in America's history. AB353 will help Wisconsin continue in that tradition.

WCCC is an organization of providers of services to persons in the Federal, State and County criminal justice systems.

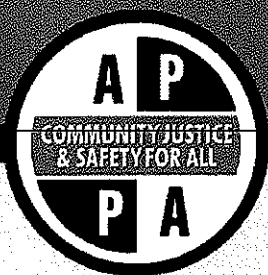
Respectfully,

A handwritten signature in black ink, appearing to read 'Terry Marshall', is written over the typed name.

Terry Marshall
President

An Association
of Community Corrections
Providers

(608 223-0017 x206)



American Probation and Parole Association

August 17, 2009

To Whom It May Concern:

APPA HEADQUARTERS

c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
(859) 244-8203 • FAX (859) 244-8001
E-mail address: appa@csg.org

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Iowa

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Minnesota

**AT-LARGE AFFILIATE
REPRESENTATIVE**

Carl Fox
Arizona

EXECUTIVE DIRECTOR

Carl Wicklund

Please accept this letter as presented by Mr. Terry Marshall, President/CEO of ATTIC Correctional Services, Inc. on behalf of the American Probation and Parole Association (APPA).

As Executive Director of APPA, I write to urge you to support Assembly Bill 353, the Wisconsin Democracy Restoration Act. With 35 years of experience in criminal and juvenile justice, I firmly believe that restoring voting rights to those released from prison encourages rehabilitation and assists community supervision officials and law enforcement efforts to promote public safety.

APPA is an international professional association with members throughout the United States, Canada and other countries who work in probation, parole and community-based corrections. These professionals supervise more than 5 million adults across the nation and know firsthand the challenges faced by those reentering society after incarceration.

I strongly believe that bringing people with past convictions into the political process is an important part of rehabilitation and successful reintegration. Continuing to bar people from the polls brands them as outsiders, prevents full participation in their community and hinders reentry efforts. Participation in the voting process affirms an individual's value to the political process. In addition, it encourages participation in civic life and builds connections to other law-abiding citizens who serve as support for those who may struggle with substance abuse or mental health issues.

Last year, APPA passed a Resolution in favor of restoring voting rights to individuals upon release from prison. I have attached a copy of the resolution for your reference. Other criminal justice and law enforcement organizations, including the American Correctional Association, the Association of State Correctional Administrators, the National Black Police Association and the Association of Paroling Authorities International have passed similar resolutions.

In the interest of protecting public safety and promoting democracy, I urge you to support Assembly Bill 353.

Sincerely,

Carl Wicklund
Executive Director

Cc: Terry Marshall

Resolution



American Probation and Parole Association

c/o The Council of State Governments

P.O. Box 11910

Lexington, KY 40578-1910

Phone: (859) 244-8203

Fax: (859) 244-8001

Restoration of Voting Rights

Enacted: Sep 2007

WHEREAS, many citizens who have been convicted of felonies and have completed their sentences, including community supervision, do not have the right to vote;

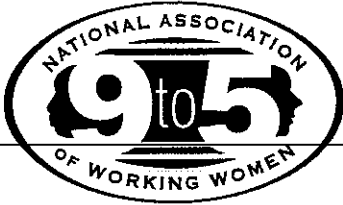
WHEREAS, many states have some restrictions on voting privileges for felons;

WHEREAS, the loss of the right to vote is not based on a need to protect the integrity of the electoral process and the justice system;

WHEREAS, disenfranchisement of felons is disproportionately affecting an increasingly large segment of the population and their families;

WHEREAS, disenfranchisement laws work against the successful reentry of offenders.

NOW THEREFORE BE IT RESOLVED, that the American Probation and Parole Association advocates the restoration of voting rights upon completion of an offender's prison sentence and advocates no loss of voting rights while on community supervision.



9to5, National Association of Working Women

207 East Buffalo Street, Suite 211, Milwaukee, Wisconsin 53202

• (414) 274-0925 • Fax (414) 272-2870 • www.9to5.org • 9to5@9to5.org



Good morning Honorable Chairman Parisi and members of the Committee on Corrections and the Courts. Thank you for providing me with this opportunity to speak on behalf of this very important issue. My name is Amy Stear and I am the Wisconsin director of 9to5, National Association of Working Women. I personally am and my organization is in support of Assembly Bill 353.

9to5 has a national program called Election Connection that was developed to ensure voters know their rights and participate in the democratic process. Here in Wisconsin that has resulted in thousands of face-to-face contacts with people in our communities, sharing information and educating voters. Our experiences in the field and stories from our members have convinced us that this legislation is very important to the women and men who have paid their debt to society and want to reintegrate wholly when they return home.

We have seen firsthand the shame people feel when we approach them in the community and at their homes to share election information. These are people who are working hard to regain their confidence and security to succeed in their every day lives but they are forced to share their past when a stranger asks them if they are registered to vote. Many times I have apologized to someone for putting them in that position because, frankly, I don't believe they should be in that position. They should be able to fully participate in the democratic process.

Last year I was working on a petition drive to get a paid sick days ordinance moved in Milwaukee. I approached a young man and asked him if he would sign the petition and he said no, I can't, I'm an ex-felon. I asked if he was still "on paper" and he said no but I'm never allowed to vote again. He then told me his parole officer told him that was part of his sentence. This kind of confusion exists around this rule and we believe it results in even more disenfranchisement of voters. This kind of misinformation gets shared in our communities and the consequences extend beyond those who are not educated about their rights.

9to5, along with many organizations and individuals in Wisconsin, does important work promoting civic engagement for citizens of our state. We believe our time is better spent focused on ensuring voters get to the polls rather than helping people figure out if they can legally exercise their right to express their opinion through the ballot box because they are an ex-offender. Their time is served, passage of AB343 would be an acknowledgement of their effort and commitment to return as fully contributing members of our communities. 353

Thank you.

Amy Stear
WI Director
9to5, National Association of Working Women



Recycled paper

TESTIMONY SUBMITTED BY MARC HERSTAND, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER IN SUPPORT OF ASSEMBLY BILL 353 ON THURSDAY AUGUST 27, 2009

The Social Work profession has historically helped families overcome barriers that reach beyond the psychological. By paying attention to "individual in the environment", social workers pay attention and work to change the environmental and cultural forces that create, contribute to and address problems of living.

Returning prisoners face enormous environmental and cultural barriers including lack of an employment or credit history, lack of financial or family support resources, resistance from employers to hiring ex convicts, mental health and substance abuse challenges, lack of employable skills and low levels of education.

To reduce recidivism we need to assist returning prisoners to access support services that exist that will help them make a successful reentry into society. We also need to recognize and work to change those barriers in resources, attitudes and policy in our community, state and nation that make it so difficult for returning prisoners to reintegrate into society.

One of those policies that needs to be changed is the prohibition on voting for returning prisoners until they have completed their probation or parole.

Part of a successful reentry into society involves empowering these returning prisoners to make a life for themselves and integrate themselves in the community.

One very powerful way for self-empowerment and community integration is involvement in the community, of which the most basic level is the ability to vote. Restoring the right to vote for individuals newly released from prison would help empower ex offenders to take an active and positive role in their community and society and therefore greatly improve the likelihood that their reintegration would be successful. Indeed as the ACLU Wisconsin documented on their website (<http://www.aclu-wi.org>), a book by Christopher Uggen and Jeff Manza entitled, Locked Out: Felon Disfranchisement and American Democracy showed an inverse link between voting participation and re-offense-those who voted were less likely to reoffend than those who did not vote.

Finally restoring the right to vote for ex offenders on probation and parole would address the current racial impact of this current disfranchisement on voting. As documented by the Wisconsin Chapter of the ACLU, one in nine African-American voters is disfranchised in Wisconsin, compared to one in fifty of all Wisconsin voters. African Americans and other communities of color are disproportionately represented in the criminal justice system and therefore disproportionately affected by this policy denying newly released prisoners on probation or parole the right to vote.

Please vote to support Assembly Bill 353.

ATTN: Joe Parisi

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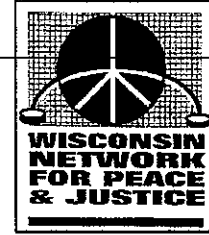
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To the Wisconsin Hearing Members on AB 353:

August 27, 2009

The Wisconsin Network for Peace and Justice represents 170 member groups across our state, with the mission to work toward a sustainable world, free from violence and injustice. And we stand firmly in strong support of AB 353, the WI Democracy Restoration Act.

WNPJ focuses our energy on four major work groups: anti-war work, immigrant rights, environmental justice - and prison reform. Realizing the importance of the prison work that needs to be done in our state, we at WNPJ have allocated resources to working on prison justice, hiring a work-study student, Sarah Quinn, of Community Connections to coordinate statewide work. The WNPJ groups working on prison justice are ACLU, WI Books to Prisons, the Benedict Center of Milwaukee, Community Connections in Oregon, Mary House & Miracles Prisoner Ministry in Wisconsin Dells, Hill Connections of LaCrosse, Congregation of Sisters of St. Agnes in Fond du Lac - and more.

WNPJ membership is committed to the principle that the right to vote should be restored to over 42,000 ex-offenders immediately upon release from incarceration in Wisconsin. We want US citizens who are living in our communities, raising families, going to school, working, and paying taxes to have the right to vote.

Thank you for your part today to ensure the passage of the Wisconsin Democracy Restoration Act.

Contacts:

Sarah Quinn, WNPJ work study intern

Judy Miner, office coordinator for WNPJ

WNPJ Board member Renee Crawford, 414-331-8907 or
rcrawford@restorethevotewi.org

Judy Miner



STATE OF WISCONSIN
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TO: Members, Assembly Committee on Corrections and Courts

FR: Attorney General J.B. Van Hollen

DT: August 27, 2009

RE: Testimony Opposing 2009 AB 353, Relating to Expanding Voting by Felons

We all value our freedom. And we cherish our civil rights, such as the right to vote. Our freedoms and rights, however, are not absolute. Freedoms and rights carry with them responsibilities, and the minimum responsibility is that we do not transgress the rights of others. The clearest and most severe transgression is when an individual chooses to commit a felony.

In committing a felony, offenders perform what society, through law, classifies as the most severe breach of the social compact. Committing a felony is so serious that society deems it appropriate to deprive felons of their liberty. We do so because were we to allow individuals to lawlessly deprive law-abiding citizens of their rights and liberties, we would lose our society altogether.

As a consequence of the serious nature of a felony, under current law, Wisconsin joins the majority of states in prohibiting a felon who is still serving his or her sentence from voting.¹ Not only does the deprivation of this significant political liberty serve as punishment, it sends a strong and clear message that strikes at the heart of our democracy: so long as a felon is serving time for undermining the social compact, he or she may not participate in the political process by exercising the right to vote. Society can send no stronger message of condemnation of a criminal act. Until a felon's debt to society is paid and he or she demonstrates the ability to reintegrate into society by successfully completing extended supervision, the right to vote is appropriately limited – as is the felon's liberty.

As written, a convicted felon may vote under AB 353 unless the felon is "incarcerated". Technical questions of actual custody status (i.e. probation/parole/extended supervision holds, inmates with Huber privileges, inmates incarcerated under electronic monitoring) arise. As a result, election officials will be challenged in efforts to establish and verify an offender's custody status. The bill increases responsibilities, and undoubtedly cost to taxpayers, on law enforcement, the courts, and voting officials while creating greater ease for felons serving their sentences to cast ballots.

The opportunity for voter fraud is enhanced.

Of great concern is that sentences of felons are diminished by this bill bringing further harm to the victims of their criminal acts as well as the general public for which these sentences are imposed to protect.

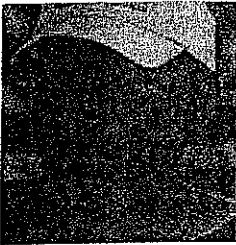
I oppose and respectfully encourage this Committee to oppose 2009 Assembly Bill 353.

¹ As of a year ago, in 12 of these states, a felon's right to vote is never restored.

Character Updates!!



Andres Idarraga: Stop the presses! Question 2 in Rhode Island passed by a narrow margin. Now everyone outside of prison in the state can vote. Andres and other formerly incarcerated people who worked on the campaign to Restore the Vote are now eligible. Of course Andres has already availed himself of the opportunity and went to register to vote with his happy mother and nephew along. What's next for Andres? He's not completely sure but assures us that having participated in democracy as an activist has had an impact on him.



Paul Robinson: Paul continues to devote his energy to the Hurricane Katrina relief effort and feels that though it has faded from the forefront of public consciousness, its effects are still keenly felt. Specifically for Paul, relief efforts have focused on New Orleans while other places like his hometown of Mobile are overlooked. He'd like to change that. As a community activist, he is regrouping and reconsidering how he pursues his work. Far from being ready to quit, Paul wants to scale up. He feels strongly that the issue of felon disfranchisement is an extension of the civil rights movement but isn't being taken seriously as such. He feels similarly about the effects of Katrina and wonders if there isn't a large-scale movement waiting in the wings that brings all his concerns together and get a big ball rolling.



Jimmy Klinakis: Stop the presses part 2! Jimmy has had his voting rights restored. After a great deal of work on his part and not having heard anything in response for several years, a letter arrived in the mail shortly after last November's elections restoring his right to vote. Jimmy was glad to have avoided having to travel to Tallahassee to appear in person at a clemency hearing, as many others are forced to do. On top of Jimmy's personal success, both gubernatorial candidates in last year's election committed themselves to changing the restoration process in Florida. Jimmy and others working with ACLU Florida in the effort are hopeful new Governor Charlie Crist will be true to his word and that the path to rights restoration in the state will be made much simpler. Jimmy will now be voting in addition to his continued activism for the cause.



Yvonne Cardona: Yvonne is now settled with her family in Tuscaloosa, Alabama. She has taken a full time job to maintain her family and has also found time to become active in the community. With a group of women, she has founded Woman To Woman, an organization dedicated to uplifting and empowering women in Alabama. Working alongside other organizations in Alabama, Woman To Woman helps people in the state understand that many solutions have to be administered through women. Her daughters are doing well and her oldest, Angel, has started dance ministry of her own. Clearly Yvonne is conscious of passing along the torch of activism she got from her mother.



Jesse Clausen: Jesse has spent a lot of the last year rebuilding his personal life after having spent the previous few years working mostly as an unpaid activist. The work paid off in Native American participation and increased clout in South Dakota but cost him a lot career-wise. He has reentered the construction business, overseeing some large projects on the reservation and building a house for he and his wife Carol as well. Jesse guesses that voter turnout on the Pine Ridge Reservation won't be as high this year for a number of reasons, the lack of a close race among them. The LaCreek District Civil Rights Committee he helped form is less active these days but Jesse continues to register voters as he works his way around the reservation. You can bet all the Oglala Sioux he employs have heard from him how important it is to vote.



government. Yet, ironically, these are the communities that get the least attention from legislators, because their political clout is vastly reduced.

To have political influence, you have to have a voice. And in many of these communities, poor education, drug problems, high levels of incarceration, and felony disfranchisement are diluting and permanently eroding the voter base, creating a cycle of poverty and sparking fears of an intergenerational culture of nonvoting and nonparticipation.

How much does felony disfranchisement contribute to the problem? A study carried out by the Rhode Island Family Life Center found that one in five black men and one in eleven Hispanic men are barred from voting statewide. In some urban communities, like South Providence, more than a tenth of all residents are disfranchised, and more than 40 per cent of black men aged between eighteen and 34 cannot vote due to a felony conviction.

A similar study in Atlanta by the Sentencing Project found that one of every eight black males in Georgia is disfranchised because of a felony conviction. In Atlanta, that figure rises to one in seven. The report says that in eleven Atlanta neighborhoods, more than a tenth of black men are disfranchised. And it notes that a third of black male disfranchisement in Georgia is as a result of a felony conviction for a drug offense.

A study on the impact of felony disfranchisement on voting power in the Latino community in ten targeted states found that significant numbers of Latinos are prohibited from voting by felony disfranchisement laws, and that Latinos are more likely to be disfranchised than the general population.

The conclusion we can draw from these studies is that felony disfranchisement affects the ability of communities — especially minority communities — to express their political voice. The Atlanta study points out that disfranchisement "also affects public safety and reintegration through actual and symbolic barriers to social participation."

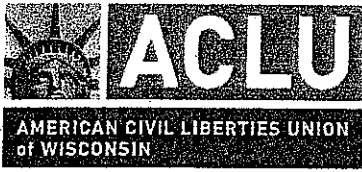
Says the report: "This disenfranchisement effect contributes to a vicious cycle within public policy development that further disadvantages low-income communities of color. The first means by which this occurs is through decisions on resource allocation. In citywide decision-making regarding spending for schools or social services, residents of certain neighborhoods will have considerably more political influence than others, solely because "one person, one vote" is distorted through the loss of voting rights.

"At a state level, beleaguered communities are affected through a diminished impact on public policy. Consider, for example, the disproportionate effect of drug policy on African American communities. Nationally, the vast increase in incarcerated drug offenders, fueled in large part by a heavy emphasis on law enforcement patterns and punitive sentencing policies, has had a highly skewed impact on communities of color. Many political leaders in these communities are concerned about the problem of drug abuse, but have called for a more balanced approach that emphasizes prevention and treatment. Yet, because there are fewer voting residents in these neighborhoods — due in significant part to drug policies — these voices have increasingly less political influence."

Do we really want to create communities that, through generations of non-participation, don't know about or care about voting or participating in the democratic process? How will that affect our society? Can we confidently say we have a working democracy if so many are excluded from being part of it?

The ACLU of Wisconsin is committed to advancing the rights of felons to vote in Wisconsin. Please go to our website: <http://www.aclu-wi.org> to sign up for updates on this issue.

For more information and updates on progress nationwide in advancing felon enfranchisement, please go to the ACLU's website. <http://www.democracysghosts.org>



And the reasons for doing so are imperative. Alexis de Tocqueville, visiting this country in 1831, saw lively civic participation in local governments and communities, and praised the power and vitality of American democracy. Today, we face increasing disengagement and disenchantment with the political process. High incarceration rates and felony disfranchisement exacerbate that, creating a culture of indifference instead of a vibrant democracy.

Is a democracy inherently more democratic if it is more inclusive, invites more participation? It seems safe to say that most people would think so. We strive towards the democratic ideal of equality that de Tocqueville praised. But denying people the right to vote disproportionately affects minority communities and increases divisions in our society.

So let's not take people out of the political process by denying them the vote. Let's open up our political process, as John Lewis says, *"and let all of our people come in."*

Reference: Alexander Keyssar, *"The Right To Vote: The Contested History of Democracy in the United States"* (Basic Books, 2000).

Bureaucracy

A major argument by those who support disfranchising people with felony convictions is that their cases ought to be heard individually to decide who should be able to have their voting rights restored and who shouldn't. On the face of it, this sounds plausible. But in practice it is inequitable, unwieldy, expensive, and arguably no state has ever done a good job of it.

One state struggling with this issue is Florida, where all former felons remain permanently disfranchised unless they apply for a pardon or seek civil rights restoration through the Board of Executive Clemency.

Despite spending over \$4 million a year to maintain its cumbersome clemency process, Florida has a backlog of at least 8,000 cases waiting (estimates vary widely). Ex-felons who succeed in getting a clemency hearing, usually after waiting for several years, are given five minutes or so to make their case to the governor and three of his cabinet members. Governor Bush frequently asks them whether they are using alcohol, or getting along with their family, or whether they are remorseful for their crime. As Marc Mauer of The Sentencing Project says, it is *"entirely inappropriate in a democracy to be imposing such character tests on something as fundamental as the right to vote."*

Former felons who are granted a clemency hearing are generally given about a week's notice before they have to get themselves and any witnesses they'd like to have testify on their behalf to Tallahassee, paying for their costs for travel and lost work time themselves. For some, the process is just overwhelming, especially as they try to reenter society and turn their lives around.

Florida's efforts to streamline its process just show how unwieldy, time-consuming and just plain difficult it is to decide on a case-by-case basis. Other states also have processes that are difficult for ex-offenders. Why are such processes necessary at all? And couldn't tax dollars be better spent elsewhere?

Community Impact

Walking around South Providence; or Selma, Alabama; or Overtown, Miami; as we did while shooting, we could see the effects of poverty first hand — streets of closed businesses, decaying buildings, poorly equipped schools. These are communities that need help and support from their elected officials and from



1870 saw the enactment of the Fifteenth Amendment, which said that the rights of citizens to vote should not be abridged by the United States or by any State on account of race, color, or previous condition of servitude. But Congress failed to act to enforce voting rights, leaving power in the hands of the states.

In the South, black freedmen were enthusiastically embracing democracy, voting in large numbers and taking their place in the new state governments being created as part of Reconstruction. But by 1890, southern states, ignoring the Fifteenth Amendment, had begun disfranchising black voters. Mississippi led the way, with a constitutional convention that included complex residency requirements, a poll tax, and a literacy test. Other states followed. Felony disfranchisement was part of this exclusion process, with many Southern states identifying minor offences like vagrancy that could be used to disfranchise African Americans. And the laws were effective. Keyssar notes that in Mississippi after 1890, less than 9,000 of 147,000 voting-age blacks were registered to vote, while in Louisiana, where more than 130,000 African Americans had been registered to vote in 1896, the figure plummeted to 1,342 by 1904. Other states began disfranchising felons, too. From 35 per cent of states with broad felony disfranchisement laws in 1850, 96 per cent had such a law by 2002.

In fact, African Americans in the South remained largely disfranchised until the civil rights movement righted the situation. Congressman John Lewis sees the need to end felony disfranchisement as the next step in the struggle for civil rights. And in a paper on racial threat and felon disfranchisement in the United States from 1850-2002, authors Behrens, Uggen and Manza conclude that racial disparities in punishment still drive voting restrictions on felons and ex-felons today.

Reference: Alexander Keyssar, *The Right To Vote: The Contested History of Democracy in the United States* (Basic Books, 2000).

Other useful links: <http://www.sentencingproject.org/pdfs/mauer-crj.pdf>

Democracy

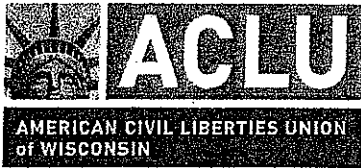
"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

These words from the Declaration of Independence are at the heart of our democracy in the United States. They were penned at stirring times, as colonial Americans fought the War of Independence against, among other things, a glaring injustice — taxation without representation.

Today, millions of Americans are working, paying taxes, living in the community, bringing up families, yet they are without a voice in local or national affairs. It's an inherent inequality in our system, one that seems to run counter to the principles outlined in the Declaration of Independence.

Historian Alexander Keyssar notes that in the 19th century, the United States was a pioneering country, a beacon of democratic rights. But he says that the United States ends up being quite slow to finish the job.

The recently reauthorized Voting Rights Act went a long way towards redressing imbalances. But it left one group of citizens behind. Says US Congressman John Lewis: *"I just think the American people got to rise up. And not be quiet. Find a way to get in the way. And I think here today, we must see this as an extension of the civil rights movement. It is time for the American citizens to get in trouble. Good trouble, necessary trouble."*



other people not take the same path I have, and yet, my efforts have been thwarted at every, every step of the way."

Correctional associations and officials, as well as law enforcement officials, agree that voting may aid rehabilitation. One group of law enforcement officials wrote in a federal court brief that "these laws may...undermine the rehabilitative aims of incarceration and parole...to the extent that disfranchisement distances the person from the community and serves no educational function...it weakens the impact of rehabilitative and correctional programs and programs upon the individual's reintegration as a law-abiding member of the correctional facility or community." And, Maine's Dept. of Corrections' Chief Advocate has said that voting allows inmates to make "personal choices in who will be representing them, their families, their communities...this serves to keep the individual involved in current affairs and connected to the community of his or her family during their sentence." The American Correctional Association also believes that once all terms of an individual's sentence have been completed, he or she should be able to vote. Statistics seem to bear out the notion that felony disfranchisement works against rehabilitation and reintegration into society. Uggen adds: *"We do not know whether voting causes reduced crime, but we find a strong correlation. In our Minnesota data, voters in 1996 were about half as likely to be rearrested from 1997-2000 as non-voters."*

It's a chicken and egg argument and so impossible to draw firm conclusions, but it certainly seems clear enough that preventing former felons from voting does not make communities safer.

George Bush, in his 2004 State of the Union address, said: *"When the gates of the prison open, the path ahead should lead to a better life."* Giving people a second chance seems to most of us to make common sense.

Sources:

Christopher Uggen and Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Col. Hum. Rts. L. Rev. 193 (2004-2005).

Muntaqim et al. v. Coombe et al., In Banc Brief of Amici Curiae Zachary W. Carter et al. In Support of Plaintiffs-Appellants and in Support of Reversal, 01-7260-cv/04-3886-pr (March 30, 2005) at 9-12.

Testimony of Wesley E. Andrenyak, Chief Advocate, Maine Department of Corrections In opposition to LD 200 (on file with ACLU).

History

At the outset of the Civil War, five states, all in New England, allowed African Americans to vote on the same basis as whites. When the war ended in 1865, four million African Americans, now free citizens, many of whom had fought in the war, also wanted a share in the political process.

Historian Alexander Keyssar of Harvard University notes that federal government sought to give political rights to African Americans through the Fourteenth Amendment, which confirmed former slaves were American citizens deserving equal protection from state laws. But a clause in the amendment said that any state that denied the right to vote to a portion of its male black citizens would have its representation in Congress proportionately reduced. Says Keyssar: *"Although this section of the amendment amounted to a clear constitutional frown at racial discrimination, and Congress hoped that it would protect black voting rights in the South, the amendment, as critics pointed out, tacitly recognized the right of individual states to erect racial barriers."*



From Democracy's Ghosts <http://www.democracysghosts.org> **Why Should Felons Vote?**

This year, more than 600,000 people will be released from prison, returning to their families and their communities, many of them intent on starting over and building a better life.

These people face many challenges in reentering the world outside the prison walls – getting a job, finding a place to live, staying out of trouble, staying away from drugs. At first, losing the right to vote seems a long way down the list of things that are important.

But as *Democracy's Ghosts* shows, being an active, participating member of the community helps with **rehabilitation**. It helps the **community** by strengthening its voting base. And **history** shows that there's an inequality to disfranchisement, as many of the original Jim Crow laws were intended to disfranchise African Americans, whose voter base in some states are still affected by those laws today.

Excluding ex-felons from the polls is costly, too. In states like Florida, there's an expensive layer of **bureaucracy** in place just to deal with the rights restoration process.

There are those who argue that people with felony convictions shouldn't be allowed to vote because they are untrustworthy in character, raising a concern about how these people would vote. But in that case, would we exclude admitted racists or, taking that argument even further, perhaps people who don't know enough about politics?

Others argue that ex-felons would somehow vote for a pro-crime agenda. It's difficult to imagine how this would happen, and in fact it hasn't happened in states or even countries where felons can vote. In fact, disfranchisement policies are in sharp conflict with the goal of promoting public safety. A study in Minnesota showed that felons who voted in the previous biennial election had a far lower risk of committing another crime than non-voting felons, and that this effect holds net of age, race and criminal history. So, to use the words of evangelist Chuck Colson, opening up our **democracy** is in society's "*enlightened self-interest*."

Source: Christopher Uggen and Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Col. Hum. Rts. L. Rev. 193 (2004-2005).

Rehabilitation

For most of us, it seems intuitively obvious that felony disfranchisement works against efforts to rehabilitate people exiting the prison system, and therefore increases the likelihood of recidivism. The goal for people who have been deemed fit to return to society is to reintegrate them. Holding them at arm's length, telling them their voice is not valued, is counter-intuitive.

Christopher Uggen, of the University of Minnesota, was co-author of a study exploring the relationship of voting to subsequent crime and arrest: "*We first encountered the possibility that civic reintegration may be connected to motivations for desistance in a series of in-depth interviews we conducted with convicted felons in Minnesota. Those we interviewed often spoke passionately about the stigma of a felony conviction and told us that losing the right to vote, in particular, was a powerful symbol of their status as 'outsiders.'*"

All the former felons we interviewed for *Democracy's Ghosts* expressed similar sentiments. Sam Bonner, of St. Petersburg, Florida told us: "*It's pretty devastating to think that...I want to reintegrate, I want to give back to the community, I want to be a good member of society, I want to actually contribute towards helping*



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The National Black Police Association strongly endorses Washington House Bill 1473-2007-08, which would automatically restore voting rights to people convicted of felonies once they are released from prison. The NBPA is a national membership organization that represents over 15,000 law enforcement officers. We believe that reforming Washington's disenfranchisement law would further the purposes of law enforcement. Restoring voting rights promotes the successful reintegration of formerly incarcerated people, preventing further crime and making our neighborhoods safer.

Under the current system, over 167,000 Washington citizens remain barred from voting because of a felony conviction. And the impact of disenfranchisement falls disproportionately on minority communities. More than 17% of African Americans, and more than 10% of Latinos, are currently disenfranchised in Washington.

From the perspective of law enforcement, excluding so many people from the political process is counterproductive. Voting is an important part of making people feel connected to their communities, which in turn helps them avoid falling back into crime. Studies show that former felons who are effectively reintegrated into their communities are more likely to lead law-abiding lives. This is not surprising. An important factor in preventing recidivism is helping people feel connected to their community.

Restoring the right to vote sends the message that people are welcomed back as integral members of their home communities. It gives them a stake in our democracy and emphasizes the civic duties that accompany democratic participation. Shutting people out of the democratic process has the opposite effect: it stymies reintegration by treating people with felony records as second-class citizens.

Other states have seen the advantages of expanding the franchise. In fact, the national trend has moved steadily toward more inclusive voting systems. Since 1997, sixteen states have reformed their laws or policies to reduce barriers to voting by people with criminal records.

Washington has an opportunity to make its election system serve the objectives of law enforcement. The NBPA urges all members of Washington's House to support House Bill 1473.



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**National Black Police Association
Resolution of Restoring Voting Rights
June 2008**

WHEREAS, the National Black Police Association (NBPA) is a nationwide organization of African-Americans dedicated to the promotion of justice, fairness, effectiveness in law enforcement; and

WHEREAS, the NBPA recognizes that denying the franchise to people who are living in the community serves no law enforcement purpose and violates core principles of democracy and equality; and

WHEREAS, a number of states continue to disenfranchise people with felony convictions who are out of prison and living in the community; and

WHEREAS, the NBPA believes a critical element of protecting public safety is successful reintegration of former offenders back into their communities, and that barriers to civic engagement are barriers to reintegration; and

WHEREAS, the NBPA believes that barring people from the political process hinders effective policing by undermining the ability for police to build strong community partnerships; and

WHEREAS, the NBPA recognizes that many state felony disenfranchisement Laws are firmly rooted in the Jim Crow era and, alongside poll taxes and literacy tests, were designed to remove Blacks from the political process; and

WHEREAS, these laws continue to have disproportionate impact on Black communities today, with 13% of Black men disenfranchised, rate that is seven Times the national average;

THEREFORE BE IT RESOLVED, that the National Black Police Association supports the automatic restoration of voting rights upon discharge from prison and advocates no loss of voting rights while on community supervision.

Felony Disfranchisement in Wisconsin



Restore the Vote WI NOW!



Felony disfranchisement policies bar citizens with felony convictions from the ballot box. In the United States, over 5.3 million Americans cannot vote due to felony convictions. The vast majority of disfranchised individuals are no longer incarcerated, but are living in their communities. More than 2 million disfranchised Americans have fully completed their sentences, and many others are on probation or parole. These individuals are tax-paying citizens involved with the issues in their communities but unable to vote to affect them.

However, over the last decade, the national trend has been toward removing such barriers to the ballot box. Since 1997, 20 states have made progressive changes to their felony disfranchisement laws, enfranchising over 700,000 formerly incarcerated individuals.

In a democracy voting is a right, not a privilege. But for over 5 million Americans, that is not the case. We are aiming to change that in Wisconsin.

Wisconsin Disfranchisement Policy

In Wisconsin, individuals with felony convictions are barred from voting until they fully complete their sentences, including incarceration or probation and any period of parole and/or extended supervision.

An estimated 62,342 people with felony convictions are barred from voting in Wisconsin. Only 39% of the disfranchised are in prison, while 40% are on probation and 21% are on parole. Like many of us, people on probation and parole live in their communities and work, pay taxes and raise families.

Administration and Expense

Wisconsin's disfranchisement policy is difficult to administer and expensive for taxpayers. It cost Wisconsin more than \$22.7 million to create a voter eligibility database that is faulty and must now be corrected and/or replaced. In addition, it costs the state an average of \$14,000 per election (of which there are four annually) just to print and mail voter eligibility lists to each municipality. List inaccuracies cost elections staff valuable time and in some cases lead to the *de facto* disfranchisement of eligible voters. Given the current economic crisis in Wisconsin and across the nation, it is fiscally irresponsible to continue a policy that simultaneously taxes our overburdened budget and understaffed state election system and denies individuals their fundamental right to vote.

Public Opinion

The majority of Wisconsin voters support automatic restoration of voting rights for people who are no longer incarcerated. According to the most conservative findings of a 2009 poll, that support ranges regionally from 55% of voters in southeastern Wisconsin to nearly 63% of voters outside southeastern Wisconsin to 72% of voters in far northern regions of the state.

These findings are consistent with national polling data, which shows that 60% of Americans believe that people who had been convicted of crimes but have been released from prison on parole and are living in the community should have the right to vote.

Voting & Public Safety

Felony disfranchisement runs counter to the goal of public safety. Restricting voting rights does not prevent crime, nor does it provide compensation to victims. In fact, disfranchising persons after release from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration. Indeed, research has found that people with criminal records who voted had a re-arrest rate of only 12%, compared to a rate of 27% for non-voters. Far from making streets safer, felony disfranchisement may be detrimental to public safety.

National and International Comparison

Wisconsin's felony disfranchisement law is more restrictive than the laws of 20 other states across the country, including Illinois, Indiana, Michigan, Ohio and Pennsylvania, all of which allow people with felony convictions to vote upon release from incarceration.

Wisconsin's disfranchisement policy is also out of step with international norms. All European nations allow citizens to vote automatically upon release from incarceration. Many democratic nations permit even prisoners to vote, including 17 European countries, Canada, Israel and South Africa. Felony disfranchisement policies also violate several international treaties as well as human rights documents and agreements.

Racial and Gender Impact

One out of 9 African-American voters is disfranchised in Wisconsin, compared to 1 out of 50 Wisconsin voters. As a result, Wisconsin has one of the highest rates of African-American disfranchisement in the United States. African-Americans comprise 39% of the disfranchised population, even though they comprise only 5% of the state's voting age population.

Wisconsin's female prison population has grown significantly in recent years, leading to the increased disfranchisement of women in the state.

Though African-Americans are disproportionately impacted by Wisconsin's felony disfranchisement policy, a significant number of white voters are also affected. For instance, the racial make-up of women in Wisconsin's prisons is 61% white, 33% African-American, 5% Native American and 1% Asian.

How can I help in Wisconsin?

Join the state-wide coalition working to amend Wisconsin's disfranchisement law. To contact the coalition, or for information about the statistics cited in this document, email rcrawford@restorethevotewi.org.

Call your legislators and the Governor and tell them you support the Wisconsin Democracy Restoration Act (SB240/AB353). Go to www.legis.state.wi.us to find your legislators' contact information.

Visit www.restorethevotewi.org and www.aclu.org/righttovote to learn more about the issue.

Protect Democracy in Wisconsin

Support the Wisconsin Democracy Restoration Act (SB240/AB353)!



Restore the Vote WI NOW!



What is the Wisconsin Democracy Restoration Act?

In Wisconsin, individuals with felony convictions are barred from voting until they fully complete their sentences, including incarceration or probation and any period of parole and/or extended supervision.

The Wisconsin State Legislature is considering legislation that would restore the right to vote to individuals upon their release from incarceration. This law would enfranchise the over 42,000 Wisconsin citizens who live in the community, work and pay taxes but are unable to participate in the political process.

Why is the Wisconsin Democracy Restoration Act Necessary?

- **Wisconsin's disenfranchisement policy is difficult to administer and wastes taxpayer dollars.** Thousands of taxpayer dollars are spent every election to maintain, copy and circulate voter eligibility lists. Inaccuracies cost elections officials valuable time, and can lead to the *de facto* disenfranchisement of eligible voters. Given the current economic crisis in Wisconsin and across the nation, such a policy is fiscally irresponsible.
- **The majority of Wisconsin voters support automatic restoration of voting rights for people who are no longer incarcerated.** According to the most conservative findings of a 2009 poll, that support ranges regionally from 55% of voters in southeastern Wisconsin to nearly 63% of voters outside southeastern Wisconsin to 72% of voters in far northern regions of the state.
- **Felony disenfranchisement runs counter to the goal of public safety.** Disfranchising persons after release from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration. Indeed, research has found that people with criminal records who voted had a re-arrest rate of only 12%, compared to a rate of 27% for non-voters.
- **Wisconsin's current disenfranchisement policy is out of step with national and international norms.** Wisconsin's felony disenfranchisement law is more restrictive than the laws of 20 other states across the country, including Illinois, Indiana, Michigan, Ohio and Pennsylvania. In addition, the United States is the only democratic nation that currently disenfranchises large numbers of non-incarcerated individuals. All European nations allow citizens to vote automatically upon release from incarceration, and some even permit people in prison to vote.
- **Wisconsin's current disenfranchisement policy disproportionately impacts African-Americans and increasingly affects women.** One out of 9 African-American voters is disenfranchised in Wisconsin, compared to 1 out of 50 Wisconsin voters. As a result, Wisconsin has the one of the highest rates of African-American disenfranchisement in the United States. In addition, due to the exponential growth in the female prison population, more and more women – the majority of whom have young children – are left without a voice.

As a Wisconsin resident, I urge the Governor and the Wisconsin State Legislature to support the Wisconsin Democracy Restoration Act (SB240/AB353)!

Name: _____

Address: _____

City, State Zip: _____

Phone: _____

Email: _____

To whom it may concern:

I write to share some facts and my thoughts concerning the massive disfranchisement of voters in Wisconsin, and with hopes of influencing your progressive support of the pending legislation concerning same. The bill challenges the policy that bars citizens from voting due to a felony conviction. This grassroots measure has been gaining momentum in Wisconsin for some time, and for good reason.

The felony disfranchising laws in Wisconsin are more restrictive than those of neighboring states. More than 62,000 people are disfranchised from voting in Wisconsin. Most are no longer in prison but, rather, have been released to their communities, working, paying taxes and raising families. And the vast majority have completely satisfied their sentences.

As this issue concerns racial disparity, history dictates it began growing shortly after the Fifteenth Amendment secured voting privileges for blacks. And the racial disparity continues to grow, falling disproportionately upon communities of color. Moreover, it falls upon the African-American community at seven times the national average; that is to say, comprising only 5% of the voting block, they suffer 39% of those disfranchised.

What is more, the above policies and laws are antithetical and operate contrary to the purported goals of public safety, crime reduction and the most basic notions of democracy. Appearing to be "tough on crime" has little to do with it, and is more a matter of dignity and common sense. It does not curtail crime, nor make the streets any safer, nor compensate victims in any way. It merely serves to further ostracize an already diminished citizen. Continuing to harm an already harmed citizen never does anyone any good. This shortsighted tactic has far-reaching and harmful prospects, and has a tendency to prevent successful reintegration into society. Restoring voting privileges would ultimately strengthen democracy and enhance public safety.

Statistics show civil engagement enhances one's ability to be responsible and connected. There is a direct relationship between voter participation and recidivism; that is, ex-prisoners are far less likely to re-offend or violate rules if they actively participate as part of the voting block. Anything which strengthens and validates community ties and general connectedness to the rest of society enhances one's ability to sustain reintegration. Participating in the voting block illustrates sincerity and commitment to assisting the democratic process. Committing to the larger public and political collective should be strived for at every turn for prisoners as an integral part of the rehabilitative process. It makes no good sense to undermine that process by doing otherwise.

The basic fundamentals of democracy provide that the voting process should be more than a privilege, or even a right. Every citizen in this country should feel and have a duty to vote. There should be no equivocating that voting is the highest of the democratic principles upon which this nation was founded.

Enfranchisement legislation

Page two.

Maine and Vermont allow prisoners to vote from their prison cells. Over the past 11 years some 16 states made favorable ratifications lowering barriers and enfranchising over 700,000 ex-prisoners. Our neighboring state of Iowa adopted new policy enfranchising some 80,000 Iowans who were previously permanently barred from the voting block. To be sure, there is a crazy quilt of voting law between the states. There are 25 million citizens who suffer vote-suppression. The idea of civil death is a mediaeval construct and our antiquated voting laws suggest change is long overdue.

Wisconsin could and should join this progressive common-sense movement. It is truly an endeavor worth pursuing. I urge you to consider favorable support of the legislation mentioned above. And I thank you in advance for your time and consideration of this important matter.

Respectfully,

Ron Schilling
32219